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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIRSO GARCIA-VALDEZ,

Defendant.

CASE NO. 1:20-CR-00044-ADA-BAM

STIPULATION TO VACATE TRIAL AS TO
TIRSO GARCIA-VALDEZ AND SET CASE FOR A
STATUS CONFERENCE AND ORDER THEREON

Court: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a trial confirmation hearing on January 9, 2023 at 10:00 a.m. and Jury Trial on February 7, 2023 at 8:30 a.m.
2. By this stipulation, defendant now moves to vacate the trial confirmation hearing and the trial as to DEFENDANT GARCIA-VALDEZ and to **set the case for a status conference on March 22, 2023, at 1:00 p.m.** before the Hon. Barbara A. McAuliffe.
3. The parties anticipate entering into a plea agreement and no longer plan to present the case to a jury. The government has produced all the discovery in the case. Defense need that additional time to meet with his client, conduct independent investigation, and negotiate a pretrial resolution of the case.
4. The proposed status conference date represents the earliest date that all counsel are

1 available, taking into account counsels' schedules, defense counsels' commitments to other clients, and
2 the court's available dates for a status conference. In addition, the public health concerns cited by
3 General Orders 611, 612, 617, 618, and 620 and subsequent general orders presented by the evolving
4 COVID-19 pandemic, an ends-of-justice delay is particularly apt in this case because counsel or other
5 relevant individuals have been encouraged to telework and minimize personal contact to the greatest
6 extent possible.

7 5. The parties agree and stipulate, and request that the Court find the following:

8 a) Discovery in this case has been provided, and consists of voluminous
9 investigative reports, wire interceptions recordings and electronic messages, precise location
10 information data, and more, approximately 82,000 pages/files, as well as cellular phone
11 downloads. Defense counsel requires additional time to review the discovery, to conduct
12 additional investigation and legal research, and to confer with his client about how to proceed in
13 this case. All of this discovery has been either produced directly to counsel and/or made
14 available for inspection and copying.

15 b) Counsel for the defendants believes that failure to grant the above-requested
16 continuance would deny him/her the reasonable time necessary for effective preparation, taking
17 into account the exercise of due diligence.

18 c) The government does not object to the continuance.

19 d) Based on the above-stated findings, the ends of justice served by continuing the
20 case as requested outweigh the interest of the public and the defendant in a trial within the
21 original date prescribed by the Speedy Trial Act.

22 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
23 et seq., within which trial must commence, the time period of December 6, 2022 to March 22,
24 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it
25 results from a continuance granted by the Court at defendant's request on the basis of the Court's
26 finding that the ends of justice served by taking such action outweigh the best interest of the
27 public and the defendant in a speedy trial.

28 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the

Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 6, 2022

PHILLIP A. TALBERT
United States Attorney

By: /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: December 6, 2022

/s/ David Torres
Attorney for Defendant
TIRSO GARCIA-VALDEZ

ORDER

IT IS SO ORDERED that the trial confirmation hearing on January 9, 2023, and jury trial on February 7, 2023, are vacated. A status conference is set for **March 22, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: December 12, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE